

United States District Court

for

*District of Guam*

**FILED**  
**DISTRICT COURT OF GUAM**

JUL 24 2006

**MARY L.M. MORAN  
CLERK OF COURT**

## **Report for Modifying the Conditions or Term of Supervision with Consent of the Offender**

*(Probation Form 49, Waiver of Hearings is Attached)*

Name of Offender: **Mi Sook Kim**

Case Number: **CR 03-00058-001**

Name of Sentencing Judicial Officer: Designated Judge Robert Clive Jones

Date of Original Sentence: April 4, 2005

Original Offense: Count I: Conspiracy to Traffic in Counterfeit Merchandise, 18 U.S.C. §§ 2, 371 and 2320.

Original Sentence: Eight months imprisonment; three years supervised release, with the following conditions: two months home detention; drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse; shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon; cooperate in the collection of DNA as directed by the Probation Officer; comply with the standard conditions of supervised release; if ordered deported, she shall remain outside and shall not re-enter the United States without the permission of the Attorney General. If deportation fails to occur and the defendant is released from confinement, she shall immediately report to the U.S. Probation Office to begin her term of supervised release; obtain and maintain gainful employment; perform 100 hours of community service; and pay a \$100 special assessment fee.

Type of Supervision: Supervised Release

Date Supervision: January 27, 2006

## PETITIONING THE COURT

To extend the term of supervision \_\_\_\_\_ years, for a total term \_\_\_\_\_ years.

To modify the conditions of supervision as follows:

1. That the defendant convert 100 hours of community service to a fine at a rate of \$5.15 hourly for a total of \$515.00.

CAUSE

On March 27, 2006, Ms. Kim began her three-year term of supervised release. As part of her supervised release conditions, she was ordered to perform 100 hours of community service. On April 24, 2006, Ms. Kim submitted a doctor's note from Dr. John J. Chiu of the Guam Polyclinic, which indicated that he was treating her for dermatitis and that she was allergic to exposure to the sun.

Ms. Kim has complied with the conditions of supervision since being placed on supervised release. She paid her \$100 special assessment fee on April 13, 2005. She is employed as a sales manager at the Black and Rose store in Tumon, Guam. Ms. Kim also submits her monthly supervision reports in a timely manner.

The Probation Officer respectfully requests that the Court modify Ms. Kim's special conditions, pursuant to 18 U.S.C. § 3583, to allow a conversion of her 100 hours of community service to a fine. Attached is Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, with Ms. Wong's consent to the modification.

Reviewed by:

*for Christopher A.*  
ROSSANNA VILLAGOMEZ-AGUON

U.S. Probation Officer  
Supervision Unit Leader

Date: 7-13-2006

Respectfully submitted,

by: *Judy Anne L. Ocampo*  
JUDY ANNE L. OCAMPO

U.S. Probation Officer

Date: 7-12-06

THE COURT ORDERS

- No Action
- The Extension of Supervision as Noted Above.
- The Modification of Conditions as Noted Above.
- Other

**RECEIVED**  
JUL 14 2006  
DISTRICT COURT OF GUAM  
HAGATNA, GUAM

*James Ware*  
Signature of Judicial Officer  
JAMES WARE, Designated Judge  
*July 24, 2006*  
Date

*United States District Court*

for

*District of Guam*

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. That the defendant agrees to convert 100 hours of community service to a fine at a rate of \$5.15 hourly for a total of \$515.00.

Witness:

*Judy Anne L. Ocampo*  
Judy Anne L. Ocampo  
U.S. Probation Officer

Signed:

*Mi Sook Kim*  
Mi Sook Kim  
Probationer or Supervised Releasee

5/31/06

Date